

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	4:04CR3045
v.	)	
	)	
VICTOR C. HARRIS,	)	
	)	MEMORANDUM AND ORDER
Defendant.	)	
_____	)	

Counsel for the defendant has called to the court's attention that on June 6, 2005 during a hearing in this case on another matter, his attorney at the time orally moved the court to reconsider the court's earlier orders denying his release on conditions. At the conclusion of the hearing I indicated to counsel that I would reconsider the matter again and would issue an order "soon." Unfortunately, I did not do so immediately and no subsequent order was ever entered.

After counsel's reminder, I have now conducted that review, and I conclude the defendant should not be released. Of particular importance to my conclusion is the defendant's record of failing to abide by police orders or directives, failure to abide by orders suspending his drivers license, failures to appear, providing false information to police and the pretrial services officer, and the bizarre arrest behavior of the defendant on January 17, 2004, as described in the police report attached to the amended pretrial services report. The evidence before the court preponderates that the defendant presents a significant risk of nonappearance, and I fail to see that the proposed third party custodianship would ameliorate that risk with reasonable assurance.

IT THEREFORE HEREBY IS ORDERED, The oral motion of the defendant to reconsider previous orders denying release, made in court on June 6, 2005, is granted, but upon reconsideration, defendant's request for release on conditions is denied.

DATED this 29<sup>th</sup> day of November, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge